

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF DECEMBER 10, 2004

(Published December 18, 2004, in *Finance and Commerce*)

Council Chamber  
350 South 5<sup>th</sup> Street  
Minneapolis, Minnesota  
December 10, 2004 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, President Ostrow.

Lilligren moved acceptance of the minutes of the regular meeting held November 19, 2004 and the Adjourned Session held December 6, 2004. Seconded.

Adopted upon a voice vote.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

### PETITIONS AND COMMUNICATIONS

#### **COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270041)

Midtown Exchange Project: Rental Apartments Bridge Financing term sheet and For Sale Housing Bridge Finance Term Sheet.

#### **ELECTIONS:**

ELECTIONS DEPARTMENT (270042)

Nov 2, 2004 General Election: Report.

#### **ELECTIONS (See Rep):**

ELECTIONS DEPARTMENT (270043)

2005 elections: Setting 2005 Primary and General election dates and period for filing for office.

#### **HEALTH AND HUMAN SERVICES:**

HEALTH AND FAMILY SUPPORT SERVICES (270044)

Public Health Emergency Preparedness: Quarterly Update.

Award Presentation: Resolution presented to Sarah Dixon commending her service to the City of Minneapolis as a volunteer intern (passed by City Council 11/19/04).

**HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):**

**CIVIL RIGHTS (270045)**

Martin Luther King Essay Contest for Middle School Students: Authorize Civil Rights sponsor essay contest and distribute flyers to various community organizations advertising the contest.

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270046)**

Welfare-to-Work: Execute Joint Powers Agreement with Hennepin County for operation of Minnesota Family Investment Program; and contract to receive \$538,886 for calendar year 2005; and Approve appropriation.

**HEALTH AND FAMILY SUPPORT SERVICES (270047)**

Public Health Emergency Preparedness: Execute Amendment #4 to Grant Agreement with State of Minnesota Department of Health to extend performance period to December 31, 2004.

Income Tax Services to Low Income Residents: Accept \$23,058 from Friends of the Skyway Senior Center for taxpayer assistance services; and Approve appropriation.

Community Development Block Grant Public Service Funds: Issue Request for Proposals for a portion of funds effective Year XXXI, with an option of a second year of funding to approved agencies, contingent upon performance and fund availability.

**INSPECTIONS DEPARTMENT (270048)**

National Association of County and City Health Officials Grant: Amend Council Action of October 8, 2004 increasing amount of grant award by \$2,500; and Approve amending appropriation Resolution.

**PURCHASING (270049)**

Bid for FTIR/FTIR Microscope System: OP #6348, accept low bid meeting specifications of Thermo Electron Scientific Instruments Corporation for microscope for Health & Family Support.

**INTERGOVERNMENTAL RELATIONS:**

**INTERGOVERNMENTAL RELATIONS (270050)**

Minnesota November 2004 Economic Forecast.

**LIBRARY, MINNEAPOLIS PUBLIC (270051)**

2005 Legislative Agenda.

**MINNEAPOLIS EMPLOYEES RETIREMENT FUND (270052)**

2005 Legislative Package.

**INTERGOVERNMENTAL RELATIONS (See Rep):**

**INTERGOVERNMENTAL RELATIONS (270053)**

Joint 2005 Legislative Interests of the Cities of St. Paul & Mpls.

**PUBLIC SAFETY AND REGULATORY SERVICES:**

**POLICE DEPARTMENT (270054)**

Police Service Reductions: Report from Police Department on 2004 reductions related to budget cuts.

**PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):**

**INSPECTIONS DEPARTMENT (270055)**

Chapter 249 Properties: Authorize demolish:

2517 James Av N;

3519 Humboldt Av N.

**LICENSES AND CONSUMER SERVICES (270056)**

Tradition Valet (5270 W 84th St): Grant Valet Parking License, subject to conditions.

Licenses: Applications.

**MINNEAPOLIS CENTRAL LABOR UNION COUNCIL (270057)**

Rental Dwelling Licenses: Comments supporting ordinance on rental application fees. \*(See Report of 10/22/04)

MINNESOTA MULTIHOUSING ASSOCIATION (270058)

Rental Dwelling Licenses: Comments regarding ordinance on rental application fees. \*(See Report of 10/22/04)

SCHACHTMAN, STEVEN (270059)

Rental Dwelling Licenses: Comments regarding ordinance on rental application fees. \*(See Report of 10/22/04)

**PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):**

FIRE DEPARTMENT (270060)

Alarmed and Alert Smoke Alarm Grant Program: Accept grant award of \$4,000 from Minnesota Department of Health to reimburse Fire Department for program related costs; Accept donation of 534 smoke alarms; Execute sub-recipient agreements; and Approve appropriation.

Donation to Fire Department: Accept \$50 from Children's Health Care to put toward purchase of thermal imaging camera; and Approve appropriation.

**RULES (See Rep):**

ATTORNEY (270061)

City Council Rules: Amending various sections.

**TRANSPORTATION AND PUBLIC WORKS:**

PUBLIC WORKS AND ENGINEERING (270062)

Amend Ordinance, Title 5, Chapter 95, Projections and Encroachments: Set public hearing for December 14, 2004.

Federal Highway Administration recommendations regarding LRT and traffic operations: Receive and file.

Xcel Energy/NSP (270063)

Installation of two (2) 40'/3 poles for service at 619 8th St SE, design #106072.

Installation of one (1) new 50' pole in alley on 29th Av N between Aldrich Av N and Lyndale Av N, design #106667.

Installation of one (1) new 45' pole in alley at 2209 2nd St N, WO #10566492.

Installation of one (1) 40'/4 pole and relocate one pole to be replaced with one (1) 40'/4 pole, design #98780.

Installation of one (1) new 50' pole at Lyndale Ave S and W 28th St for 2801 Lyndale Ave S, SR #110450.

**TRANSPORTATION AND PUBLIC WORKS (See Rep):**

PUBLIC WORKS AND ENGINEERING (270064)

Shingle Creek Watershed Management Commissions: Amend Joint Powers Agreement.

**TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):**

PUBLIC WORKS AND ENGINEERING (270065)

West Broadway Reconstruction Project: Resolution increasing appropriation and revenue for signal and signing work.

Public Works Consulting Pool Contract: Authorize negotiation and execution of three-year master service agreement with 31 consulting firms.

Snow Emergency Broadcast Alerts: Authorize contact with SwiftReach Networks, Inc. to provide automated telephone alerts to residents regarding snow emergencies.

**WAYS AND MEANS BUDGET:**

COORDINATOR (270066)

New Central Library Project: Construction Change Management Actions.

**WAYS AND MEANS BUDGET (See Rep):**

ATTORNEY (270067)

Legal Settlements: Santiago Ochoa & Bich Trinh.

Master Legal Services Agreement for Airport Noise Lawsuit: Contract with Kaplan, Kirsch & Rockwell LLP for lawsuit against FAA and Metropolitan Airports Commission.

BUSINESS INFORMATION SERVICES (270068)

Unisys Contract: Amendments for KIVA projects hardware, SAS Activity Based Management Project, CAPRS Clone Project and Police Department Timekeeping Project.

Software Contract for Storm Water Billing: Increase contract with Systems & Software, Inc.

CONVENTION CENTER (270069)

Bid for Office Remodeling: Accept low bid of Speciality Construction Services, Inc.

COORDINATOR (270070)

New Central Library Project: Change Order increasing contract with Spacesaver Storage Systems, Inc.

EMERGENCY COMMUNICATIONS CENTER (ECC) (270071)

Emergency Communications Services to Hennepin County: Extend contract to continue City's provision of services.

FINANCE DEPARTMENT (270072)

Appointment of City Representatives to Minneapolis Police Relief Association and Minneapolis Firefighters Relief Association: Michael Nguyen, Rebecca Law and Jack Qvale.

Annual Property Insurance Premium for the Minneapolis Convention Center, Talmadge Building and Parking Ramp: Accept quote of XL Insurance.

HUMAN RESOURCES (270073)

City Health Benefits VEBA Plan: Amendment to Health Reimbursement Arrangement Plan and Trust Agreement with Wells Fargo.

**WAYS AND MEANS BUDGET and ZONING AND PLANNING (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270074)

South Lyndale Av Land Use Plan: Release request for proposals for preparation of a land use study for the corridor of Lyndale Av S from Minnehaha Creek to Crosstown Hwy.

PLANNING COMMISSION/DEPARTMENT (270075)

South Lyndale Avenue Land Use Plan: Authorize Request for Proposals for consultant services.

**ZONING AND PLANNING:**

PLANNING COMMISSION/DEPARTMENT (270076)

Appeals:

City-County Federal Credit Union (2007 & 2009 Elliot Ave S): Appeal re site plan review for expansion of parking lot at 913 E Franklin Ave; Letter of withdrawal.

**ZONING AND PLANNING (See Rep):**

PLANNING COMMISSION/DEPARTMENT (270077)

Vacations:

Houly Xiong (1421 Glenwood Ave N);

Brandan Automotive (831 E Hennepin Ave).

Rezoning:

Bluff Street Development, LLC (520 & 520 1/2 SE 2nd St).

**FILED**

CITY CLERK/SPECIAL PERMITS (270078)

Aldrich Ave S, 3501 (Thomas Haugen for Aldrich Avenue Presbyterian Church) for horses & hay rides;

Nicollet Island Pavillion (John Block of Johmar Farms) horses & wagonette for rides;

Nicollet Mall (John Block of Johmar Farms) horse pull sleigh in Holidazzle parade;

Fremont Ave S, 4201 (Kris Lennartson for OK Corral Livery Stable) provide horse-drawn wagon rides for private party;

Lake Harriet Bandshell (Kris Lennartson for OK Corral Livery Stable) provide horse drawn ride for Lyndale Farmstead Park.

*The following reports were signed by Mayor Rybak on December 13, 2004, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

**REPORTS OF STANDING COMMITTEES**

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the Midtown Exchange Project and a proposal to provide bridge financing that would allow the project to close and construction to begin (Petr No 270041), now recommends:

a) Approval of the Midtown Exchange Rental Apartments Bridge Financing term sheet and the Midtown Exchange For Sale Housing Bridge Financing term sheet; and

b) Passage of the accompanying resolution increasing the CPED Agency appropriation by \$8,258,700 for the project; and

c) Authorize the Finance Officer to adjust appropriations and transfers as necessary and appropriate to capitalize the funds (EDP) from Community Planning and Economic Development (CPED) development funds; and

d) That the proper City officers be authorized to execute loan agreements and related documents.

Adopted 12/10/04.

**RESOLUTION 2004R-558**  
**By Goodman and Johnson**

**Amending The 2004 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency Fund EDP0 - Defaulted Property Administration (EDP0 890-8952) by \$8,258,700.

Adopted 12/10/04.

The **ELECTIONS** Committee submitted the following report:

**Elections** - Your Committee, pursuant to Minneapolis Charter, Chapter 2, Sections 4 and 5, hereby sets the election dates for 2005 as follows:

Primary election – Tuesday, September 13, 2005

General election – Tuesday, November 8, 2005

The period for filing for office shall be from Tuesday, July 5, 2005 to Tuesday, July 19, 2005.

Adopted 12/10/04.

The **HEALTH & HUMAN SERVICES** Committee submitted the following reports:

**H&HS** - Your Committee, to whom was referred an ordinance amending Title 7, Chapter 141 of the Minneapolis Code of Ordinances relating to *Civil Rights: Administration and Enforcement*, amending Section 141.50(d) relating to *probable cause*, deleting language that required the Director of Civil Rights to consult with the City Attorney's Office after investigating a complaint and making a determination as to whether there is probable cause to believe that the allegations of discrimination are founded, now recommends that said ordinance be given its second reading for amendment and passage.

Schiff moved that the report be referred back to the Health & Human Services Committee. Seconded.

Adopted 12/10/04. Yeas, 7; Nays, 6 as follows:

Yeas - Johnson, Colvin Roy, Zimmermann, Schiff, Goodman, Lane, Ostrow.

Nays - Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Samuels.

**H&HS** - Your Committee recommends concurrence with the recommendations of the Mayor and City Council to appoint the following persons to the Civilian Police Review Authority for four-year terms to expire December 31, 2007:

*Mayoral Appointments*

Adair Adolphus Mosley, 3858 Humboldt Av N (Ward 4)

Retha Dowells, 2604 Emerson Av N (Ward 3)

*City Council Appointments*

Julian Johnson, 53 Glenwood Av (Ward 5)

Gregory Cheofusina Langason, 2718 Grant St NE (Ward 3)

Anne Cross, 2735 Arthur St NE (Ward 1), filling the unexpired term of Travis Zimmermann

Russell Lane, 3509 Bloomington Av S (Ward 9), filling the unexpired term of M. Lynne Mayo.

Adopted 12/10/04.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**H&HS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to execute Amendment #4 to Grant Agreement #17560 with the Minnesota Department of Health to extend the termination date to December 31, 2004 relating to public health emergency preparedness funding; all other terms and conditions of said agreement remain unchanged.

Adopted 12/10/04.

**H&HS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept \$23,058 in State funds from the Friends of the Skyway Senior Center for taxpayer assistance services to low income and disadvantaged residents during the period November 15, 2004 through September 30, 2005. Further, passage of the accompanying Resolution appropriating \$23,058 to the Health & Family Support Agency.

Adopted 12/10/04.

**RESOLUTION 2004R-559**  
**By Johnson Lee and Johnson**

**Amending The 2004 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Other Fund (060-860-8607) by \$23,058 and increasing the Revenue Source (060-860-8607 - Source 3215) by \$23,058.

Adopted 12/10/04.

**H&HS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to issue a Request for Proposals for a portion of Community Development Block Grant Public Service funds effective Year XXXI (June 1, 2005 through May 31, 2006), with an option of a second year of funding to approved agencies, contingent upon performance and fund availability.

Adopted 12/10/04.

**H&HS & W&M/Budget** - Your Committee recommends that the Minneapolis Commission on Civil Rights be authorized to sponsor a Martin Luther King Essay Contest for Minneapolis Middle School Students, and distribute flyers to various community organizations advertising the contest.

Adopted 12/10/04.

**H&HS & W&M/Budget** - Your Committee, having under consideration report passed October 8, 2004 relating to a contract with Hennepin County for delivery of services during the period of a grant from the National Association of County and City Health Officials, now recommends that the report and Resolution 2004R-436 be amended to change the appropriation amount from \$46,260 to \$48,760 to reflect the receipt of an additional \$2,500 in grant funds, and further passage of the accompanying Resolution.

Adopted 12/10/04.

**RESOLUTION 2004R-560**  
**By Johnson Lee and Johnson**

**Amending Resolution 2004R-436 entitled "amending The 2004 General Appropriation Resolution", passed October 8, 2004.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by changing the figure \$46,260 to \$48,760 wherever it appears in said Resolution.

Adopted 12/10/04.

**H&HS & W&M/Budget** - Your Committee recommends acceptance of low bid meeting specifications received on OP #6348 (Petr No 270049) submitted by Thermo Electron Scientific Instruments Corporation, in the amount of \$70,036.45, to furnish and deliver a FTIR/FTIR Microscope System for the Department of Health & Family Support, all in accordance with City specifications and contingent upon approval by the Department of Civil Rights.

Adopted 12/10/04.

Approved by Mayor Rybak 12/10/04.

(Published 12/14/04)

**H&HS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to execute a Joint Powers Agreement with Hennepin County for the operation of the Minnesota Family Investment Program (MFIP) during the period January 1, 2005 through December 31, 2005; and a subsequent contract to receive MFIP funds, in the amount of \$538,886, under said Joint Powers Agreement. Further, passage of the accompanying Resolution appropriating \$538,886 to the Community Planning & Economic Development Agency.

Adopted 12/10/04.

**RESOLUTION 2004R-561**  
**By Johnson Lee and Johnson**

**Amending The 2004 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Community Planning & Economic Development Agency in the Grants - Federal Fund (030-890-8943) by \$538,886.

Adopted 12/10/04.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following report:

**IGR** – Your Committee, having held a joint meeting with the St. Paul City Council regarding 2005 legislative initiatives, now recommends passage of the accompanying resolution identifying joint legislative interests of the Cities of St. Paul and Minneapolis.

Adopted 12/10/04.

Resolution 2004R-562, identifying joint legislative interests of the Cities of St. Paul and Minneapolis for the 2005 State Legislature, was passed 12/10/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2004R-562**

**By Benson, Ostrow, Goodman, Johnson Lee, Lane, Zerby, Samuels, Johnson,  
Zimmermann, Lilligren, Schiff, Niziolek and Colvin Roy**

**Identifying Joint Legislative Interests of the Cities of St. Paul and Minneapolis.**

Whereas, the cities of St. Paul and Minneapolis (the cities), though each unique, share a number of common interests, concerns and issues; and

Whereas, both strive to provide a high quality of life for residents; and

Whereas, Local Government Aid (LGA) reductions in 2003, 2004, and 2005 have resulted in reductions in essential services, a lack of resources to meet increasing needs, fee and tax increases, and a widening disparity between tax rates in Saint Paul and Minneapolis and surrounding communities; and

Whereas, the economies of the two cities are intertwined, with many of our industries crossing the borders of both cities, relying upon each city's respective infrastructure, housing stock and workforce; and

Whereas, the cities provide significant contributions to the State of Minnesota's economy and are the cultural centers of the Upper Midwest; and

Whereas, decisions about services, land use, and budgets are best left up to each individual city to decide;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the cities of St. Paul and Minneapolis jointly support the following legislative initiatives:

- support full funding of the current Local Government Aid formula, and oppose the phase out of Limited Market Value, both of which are likely to result in significant increases in property taxes, fees and reductions in services.
- support \$5.25 million in State Bonding money to match the federal funding for preliminary engineering of light rail transit in the Central Rail Corridor, a vital link between the centers of both cities.
- support state funding to develop bioscience initiatives including research and related infrastructure.
- support state assistance to finance the redevelopment of brownfields and the elimination of blight.
- support adequate funding for affordable housing and housing programs that serve low-income residents and the homeless.
- support funding for the entire public safety system, including such critical functions as police, fire, communications, prosecutors, public defense, probation and the courts.
- oppose efforts to allow businesses to seek inverse condemnation when a city provides competing goods or services or limits the number of private operators.



- oppose efforts to prevent the two cities from using eminent domain for economic development or redevelopment efforts that will reduce blight, increase the tax base or create jobs.
- support a statewide smoking ban providing that the ability of local units of governments to enact more restrictive ordinances is not prohibited.

Adopted 12/10/04.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

**PS&RS** - Your Committee, having under consideration the application of Creative Restaurants Inc, dba Bullwinkles, 1429 Washington Av S (1st floor), for an On-Sale Liquor Class C-2 with Sunday Sales License (upgrade of license and expansion of premises for a sidewalk cafe area) to expire October 1, 2005, now recommends that said license be granted, pending a public hearing being held in the neighborhood, and subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Zerby moved that the report be amended by deleting the language "pending a public hearing being held in the neighborhood". Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 12/10/04.

Declining to Vote - Benson.

**PS&RS** - Your Committee, having under consideration the application of K & K Hospitality LLC, dba Erte, 1304 University Av NE, for an On-Sale Liquor Class C-1 with Sunday Sales License (change from On-Sale Wine Class C-1 with Strong Beer) to expire April 1, 2005, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 12/10/04.

Declining to Vote - Benson.

Approved by Mayor Rybak 12/10/04.

(Published 12/14/04)

**PS&RS** - Your Committee recommends passage of the accompanying Resolution granting the application of Tradition Valet, 5270 W 84th St, for a Valet Parking License, subject to conditions.

Adopted 12/10/04.

Resolution 2004R-563, granting the application of Tradition Valet, 5270 W 84th St, for a Valet Parking License, subject to conditions, was passed 12/10/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2004R-563**

**By Niziolek**

**Granting the application of Tradition Valet, 5270 W 84th St, for a Valet Parking License, subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Tradition Valet Inc, dba Tradition Valet, 5270 W 84th St, Bloomington, for a Valet Parking License (six zones) to expire April 1, 2005, subject to the following conditions:

a. the licensee agrees to contact the Licenses Division before adding new zones to determine any problems the City may have experienced at that zone.

b. the licensee agrees to establish a working relationship with nearby venues to determine upcoming high-profile events and increase staff accordingly.

c. the licensee agrees to work with the Licenses Division to establish an employee handbook emphasizing the importance of understanding and complying with City ordinances as they pertain to valet parking.

d. the licensee agrees to conduct training for new and current employees emphasizing the employee handbook. The handbook will state that Tradition Valet does not condone or encourage employees to "get around" ordinances by doing such things as plugging meters and parking cars on the street. The handbook will stress that it *does* encourage employees to be respectful and courteous to City employees who they come in contact with during normal enforcement activity, and will also instruct employees to inform patrons they cannot wait in the lane of traffic if an employee is not readily available to valet their vehicle.

e. the licensee agrees to require employees to sign a document stating that a condition of employment is complying with City ordinances. Employees who refuse to comply with City staff, including Police, Traffic Control, Public Works and Licenses will be terminated.

f. the licensee agrees to require employees to report to management if they have a negative encounter with City staff. Management will promptly inform the Licenses Division of the occurrence.

g. the licensee agrees to hire security during high traffic events or at times the Licenses Division determines that their presence is necessary to maintain compliance with ordinances. Tradition Valet will provide security with a copy of the Conditions letter and a copy of the Valet Parking Ordinance.

Adopted 12/10/04.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 12/10/04.

Declining to Vote - Benson.

Resolution 2004R-564, granting Liquor, Wine and Beer Licenses, was passed 12/10/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2004R-564**

**By Niziolek**

**Granting Liquor, Wine and Beer Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted:

**On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2005**

Lake & Hennepin BBQ and Blues Inc, dba Famous Daves BBQ & Blues, 3001 Hennepin Av (new corporate officer);

**On-Sale Liquor Class C-1 with Sunday Sales, to expire January 1, 2005**

Keegan Pubs Inc, dba Keegans Pub, 16 University Av NE (change in corporate name and new shareholder/partner);

**On-Sale Liquor Class C-2 with Sunday Sales, to expire January 1, 2006**

Concept Eatery LLC, dba 112 Eatery, 112 3<sup>rd</sup> St N (change in ownership from J & A Restaurant Holdings LLC);

**On-Sale Liquor Class C-2 with Sunday Sales, to expire April 1, 2005**

Town Hall Brewery Limited Partnership, dba Minneapolis Town Hall Brewery, 1430 Washington Av S (internal transfer of shares);

**On-Sale Wine Class E with Strong Beer, to expire April 1, 2005**

Nelmatt LLC, dba Matt's Bar, 3500 Cedar Av S;

**On-Sale Beer Class E, to expire April 1, 2005**

Manhattan Lofts LLC, dba Manhattan Loft, 802 Washington Av SE (change in ownership from Minh Le Corp);

Old China Buffet Inc, dba Old China Buffet, 1015 W Lake St (change in shareholder & new officer).  
Adopted 12/10/04.  
Declining to Vote - Benson.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution granting applications for Business Licenses.  
Adopted 12/10/04.

Resolution 2004R-565, granting applications for Business Licenses, was passed 12/10/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2004R-565**  
**By Niziolek**

**Granting applications for Business Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of December 10, 2004 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petr No 270056):

Amusement Devices; Place of Amusement Class A; Place of Amusement Class B-1; Place of Amusement Class B-2; Bed & Breakfast Facility; Car Wash; Check Cashing; Laundry; Place of Entertainment; Fire Extinguisher Servicing Class A; Confectionery; Grocery; Food Manufacturer; Restaurant; Short Term Food Permit; Sidewalk Cafe; Gasfitter Class A; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Heating, Air Conditioning & Ventilating Class B; Hotel/Motel; Juke Box Musical; Lodging House with Boarding; Motor Scooter Leasing; Motor Vehicle Repair Garage; Towing Class B; Commercial Parking Lot Class A; Plumber; Refrigeration Systems Installer; Residential Specialty Contractor; Secondhand Goods Class A; Secondhand Goods Class B; Solid Waste Hauler; Swimming Pool - Public; Taxicab Vehicle; Theater Zone I; Tobacco Dealer; Combined Trades; Tree Servicing; Wrecker of Buildings Class A; and Wrecker of Buildings Class B.

Adopted 12/10/04.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution granting applications for Gambling Licenses.  
Adopted 12/10/04.

Resolution 2004R-566, granting applications for Gambling Licenses, was passed 12/10/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2004R-566**  
**By Niziolek**

**Granting applications for Gambling Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

**Gambling Class A**

VFW Post 246 Aux Minneapolis, dba VFW Post 246, 2916 Lyndale Av S (Site: VFW Post 246, 2916 Lyndale Av S);

**Gambling Class B**

Washburn Amateur Hockey Association, dba Washburn Amateur Hockey Association, 5246 14<sup>th</sup> Av S (Site: Cloggy's, 5404 34<sup>th</sup> Av S);

**Gambling Lawful Exempt**

Guthrie Theater Foundation, dba Guthrie Theater Foundation, 725 Vineland Pl (Raffle December 22, 2004);

Hillel, dba Hillel, 1621 University Av SE (Raffle April 3, 2005);

American Swedish Institute, dba American Swedish Institute, 2600 Park Av S (Raffle January 20, 2005);

Volunteer Lawyers Network Ltd, dba Volunteer Lawyers Network Ltd, 600 Nicollet Mall (Raffle March 16, 2005 at Radisson Hotel, 35 S 7<sup>th</sup> St).

Adopted 12/10/04.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution approving Technical Advisory Committee recommendations relating to the On-Sale and Off-Sale 3.2% Beer License held by Joe's Tavern, 109 E 26th St.

Adopted 12/10/04.

Declining to Vote - Benson.

Resolution 2004R-567, approving Technical Advisory Committee recommendations relating to the On-Sale and Off-Sale 3.2% Beer License held by Joe's Tavern, 109 E 26th St, was passed 12/10/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2004R-567**

**By Niziolek**

**Approving Technical Advisory Committee recommendations relating to the On-Sale and Off-Sale 3.2% Beer License held by Joe's Tavern, 109 E 26th St.**

Whereas, the Licenses & Consumer Services Division held a Technical Advisory Committee hearing on November 17, 2004 with the licensee to discuss violations of laws relating to the operation of the licensed beverage alcohol establishment; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations as a result of the licensee violating Minneapolis Code of Ordinances Section 259.250 by failing to effectively manage the business so that it has become an establishment where drug sales are conducted; and that since January 16, 2002, there have been a number of controlled buys of illegal drugs related to the establishment. Further, for violating a 1985 TAC Agreement by failing to check patrons for proper identification; and that the employees of the licensee had knowledge of, acquiesced to and facilitated drug sales in the licensed premises.

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following TAC recommendations be adopted for a minimum of a two-year period, or until the business is sold, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

a. the licensee shall pay an administrative fine of \$3,000, which shall be stayed if all of the TAC recommendations are followed.

b. the licensee will close the business for 30 consecutive days to force the drug dealers out of business. The closure will occur either the date of the signed TAC Agreement or the day after the City Council action.

c. that the staff suspected of cooperating with drug sales will be fired or not rehired, specifically Bill Thunberg, Marie Pierce and Corey Anderson.

d. that all future employees will be screened for criminal history.

e. that after the expiration of the voluntary closure, the business shall be staffed by no fewer than two persons at all times.

f. that the employees will be responsible for hourly bathroom inspections that would include but not be limited to clearing all persons, cleaning all debris, and signing a log that shows the inspection was complete.

g. that every person that enters the business be checked for legal identification.

h. that the licensee will actively list the business for sale, as is the intention of the licensee.

i. that the licensee will notify the Police Department at once if they suspect anyone of drug or weapon dealing in or around the bar.

j. that the licensee and employees will keep all undesirables out of the bar and have a list available to all employees.

Adopted 12/10/04.

Declining to Vote - Benson.

**PS&RS** - Your Committee, having under consideration the property located at 2517 James Avenue North which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said property legally described as Lot 4, Block 3, Forest Heights Addition to Minneapolis (PID #16-029-24-21-0037), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted 12/10/04.

**PS&RS** - Your Committee, having under consideration the property located at 3519 Humboldt Avenue North which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said property legally described as Lot 11, Block 1, George F. Jackson's Addition to Minneapolis (PID #09-029-24-21-0071), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted 12/10/04.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**PS&RS & W&M/Budget** - Your Committee, having under consideration the Alarmed and Alert Smoke Alarm State Grant Program, now recommends that the proper City Officers be authorized to:

a. accept a grant award of \$4,000 from the Minnesota Department of Health to reimburse the Fire Department for program related costs.

b. accept the donation of an estimated 534 smoke alarms to be distributed to approximately 267 homes.

c. execute any sub-recipient agreements as necessary to implement the grant.

Further, passage of the accompanying Resolution appropriating \$4,000 to the Fire Department Agency.

Adopted 12/10/04.

**RESOLUTION 2004R-568**  
**By Niziolek and Johnson**

**Amending The 2004 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants - Federal Fund (030-280-2820) by \$4,000 and increasing the Revenue Source (030-280-2820 - Source 3210) by \$4,000.

Adopted 12/10/04.

(Republished 4/16/05; 4/23/05)

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept a donation of \$50 from Children's Health Care to put toward the purchase of a thermal imaging camera for the Fire Department. Further, passage of the accompanying Resolution appropriating \$50 to the Fire Department Agency.

Adopted 12/10/04.

**RESOLUTION 2004R-569**  
**By Niziolek and Johnson**

**Amending The 2004 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants - Other Fund (060-280-2820) by \$50 and increasing the Revenue Source (060-280-2820 - Source 3720) by \$50.

Adopted 12/10/04.

The **RULES** Committee submitted the following report:

**Rules** - Your Committee requests unanimous consent to introduce an ordinance amending Appendix A of the Minneapolis Code of Ordinances relating to *Rules of City Council*, amending Rules 1, 2, 3, 4, 10, 11, 12, 14, 18 and adding a new Rule 21, for first reading.

Your Committee further recommends that said ordinance be given its second reading for amendment and passage.

Adopted 12/10/04.

Ordinance 2004-Or-138 amending Appendix A of the Minneapolis Code of Ordinances relating to *Rules of City Council*, amending Rules 1, 2, 3, 4, 10, 11, 12, 14 and 18 and adding a new Rules 21, was passed 12/10/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2004-Or-138**  
**By Zerby**  
**1st & 2nd Readings: 12/10/04**

**Amending Appendix A of the Minneapolis Code of Ordinances relating to Rules of City Council.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Rule 1B and F of the above-entitled ordinance be amended, and a new Rule 1G be added thereto, to read as follows:

**Rule 1. Meetings**

(B) Except as modified by a yearly calendar schedule adopted by the city council at its organizational meeting, regular committee of the whole meetings shall be held at 9:30 ~~10:00~~ a.m. on the second and fourth Thursdays of each month and regular council meetings shall be held at 9:30 a.m. on the second and fourth Fridays of each month. A meeting for transacting business relating to the organization of the city council shall be held at 9:30 a.m. on the first business day in January of each even-numbered year. The president (and in the president's absence the vice-president) of the council shall take the chair at the appointed hour for the council to meet, whether in regular or special session, and call the members to order, at which time the roll of members of the council shall be called by the clerk.

(F) Any amendments, motions or resolutions submitted for action at a regular or special ~~C~~council meeting must be offered in writing. Any amendments, motions or resolutions not submitted in compliance with this provision shall not be considered unless a motion to suspend the rules is approved. This provision does not apply to non-substantive motions, including but not limited to motions to postpone, limit debate, refer a matter to committee, recess, or adjourn, or a motion to correct typographical errors.

(G) Any matter that has been on the "Unfinished Business" portion of the city council's agenda for three consecutive regular council meetings will be returned to the appropriate standing committee for further consideration.

Section 2. That Rule 2A of the above-entitled ordinance be amended to read as follows:

**Rule 2. Voting**

(A) The "yeas" and "nays" shall be called on any question and entered on the journal. Every member present who declines to vote on any question shall be recorded as "declining to vote." Every member absent shall be recorded as "absent." The vote of each member shall be recorded on each appropriation of money, except for payment of judgments, claims and amounts fixed by statute. Unless objected to by a council member, the council president may, upon his or her own motion, allow a member who was present at the original roll call of the meeting to vote after the vote has been announced. This rule shall not prohibit a member of the council from having a vote recorded as "yea" on the final roll call, provided the member was recorded as present at the original roll call of the meeting.

Section 3. That Rule 3A and G of the above-entitled ordinance be amended to read as follows:

**Rule 3. Committee procedure**

(A) All meetings of committees shall be open to the public except as otherwise permitted by law and concurred in by ~~unanimous~~ a majority vote of the committee members present.

(G) It is the role of a committee to make a recommendation and to forward that recommendation to the council. Committee recommendations shall be "recommend approval," "recommend denial," or "forward without recommendation". Any action of a committee making a recommendation to the council and adopted by a majority of the committee shall be reduced to writing and presented at the next meeting of the city council. In preparing reports, the clerk shall incorporate as many items as may reasonably be included in each report. Reports shall not be signed by members but the chair shall initial the report for accuracy. In the absence of the chair, the report shall be initialed by the next senior member of the committee.

Section 4. That Rule 4D and E of the above-entitled ordinance be amended to read as follows:

**Rule 4. Committee of the whole**

~~(D) The clerk shall enter upon the journal the proceedings of the committee of the whole including all votes on questions as provided in Rule 2:~~

~~(E) (D)~~ The chair of the committee of the whole shall set the agenda.

Section 5. That Rule 10C of the above-entitled ordinance be amended to read as follows:

**Rule 10. Clerk - Duties**

(C) The clerk shall retain custody of the journal, accounts and papers pertaining to the business of the council, except as may be required to conduct the business of the council. ~~No paper or writing in the clerk's possession shall be altered, amended, abridged or destroyed, without special order of the council. If any paper, book or memorandum of which the clerk has had, or should have had, charge is missing, the clerk shall immediately report the matter, in detail, to the council.~~

Section 6. That Rule 11C of the above-entitled ordinance be amended to read as follows:

**Rule 11. Standing Committees**

(C) Temporary appointments to fill vacancies on committees, including chairs and vice-chairs, may from time to time be made by the president pending action by the council.

Section 7. That Rule 12 of the above-entitled ordinance be amended to read as follows:

**Rule 12. Order of business**

In the ordinary transaction of business, the following order shall be observed:

1. Adoption of agenda.

1-2. Reading Acceptance of minutes.

2-3. Presentation of claims, petitions and other communications.

3-4. Reports from officers and departments of the city.

4-5. Reports ~~of from~~ standing committees in alphabetical order.

a. Joint committee reports: A report shall be considered a joint committee report if it is acted upon simultaneously by two or more committees meeting together. The report shall appear at the end of the agenda of the first committee listed.

b. Referred committee reports: A report shall be considered a referred committee report if it is acted upon by one committee and then referred to another committee(s). If a referred committee report is not amended or otherwise modified by any committee(s) to which it has been referred, the report shall appear at the end of the agenda of the originating committee with a notation of the committee(s) to which the report has been referred. If a referred committee report is different from the report of the originating committee, all reports shall appear at the end of the agenda of the committee which took the first action in order of their referral.

c. Matters originating in two committees simultaneously: These reports shall appear on the agenda under the first committee listed.

5-6. Reports ~~for from~~ special committees.

6-7. Motions.

7-8. Resolutions.

8-9. Unfinished business.

9-10. New business.

Section 8. That Rule 14B of the above-entitled ordinance be amended to read as follows:

**Rule 14. Debate**

(B) No member of the public shall be permitted to address the city council at its regular or special meetings. Except for information relating to a quasi-judicial proceeding, members of the public may distribute printed material at regular or special council meetings if such materials are provided to the city clerk prior to the start of the meeting in sufficient number of copies for the mayor, city council members, city attorney, city clerk, and members of the public.

Section 9. That Rule 18 of the above-entitled ordinance be amended to read as follows:

**Rule 18. Rescission of Previous Action**

Any previous action which may properly be rescinded shall require a majority vote, provided notice has been given at a previous meeting or session, other than the meeting at which it is adopted; or ~~in on~~ on the agenda call for any regular or special meeting; or it may be rescinded without notice by a vote of nine (9) or more members of the council.

Section 10. That Appendix A of the above-entitled ordinance be amended by adding thereto a new Rule 21 to read as follows:

**Rule 21. Amendment of rules**

These rules may be amended at any regular meeting of the city council by a two-thirds vote, provided that the rules committee has made a recommendation regarding the proposed amendment prior to the city council's consideration of the amendment.

Adopted 12/10/04.



The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following report:

**T&PW** - Your Committee recommends that the proper City officers be authorized to amend the Joint Cooperative Agreement with the Shingle Creek Watershed Management Commission, as set forth in Petn No 270064 on file in the office of the City Clerk, capping the total amount that the Commission may levy against member cities in any year for general fund purposes without the consent of the majority of the member cities.

Adopted 12/10/04.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**T&PW & W&M/Budget** - Your Committee recommends passage of the accompanying Resolution increasing the appropriation and revenue in the Public Works - Transportation Capital Agency by \$334,631, to be fully reimbursed by County State Aid Funds, in order to complete the traffic work for the West Broadway Reconstruction Project.

Adopted 12/10/04.

**RESOLUTION 2004R-570**  
**By Colvin Roy and Johnson**

**Amending the 2004 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the West Broadway Reconstruction Project in the PW - Transportation Capital Agency in the Permanent Improvement Projects Fund (4100-943-9440) and increasing the revenue source (4100-943-9440-3220) by \$334,631, to be fully reimbursed by County State Aid funds in accordance with City/County Agreement PW 40-20-03.

Adopted 12/10/04.

**T&PW & W&M/Budget** - Your Committee, having under consideration the continuation of the Public Works Consulting Pool, now recommends that the proper City officers be authorized to negotiate and execute a three-year master service agreement with each of the thirty-one (31) consulting firms submitting successful proposals.

Adopted 12/10/04.

Approved by Mayor Rybak 12/10/04.

(Published 12/14/04)

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to enter into a contract with SwiftReach Networks, Inc., at an estimated annual expenditure of \$90,000, to provide automated telephone alerts to Minneapolis residents when snow emergencies are declared. Funds are available within the existing budget.

Adopted 12/10/04.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing settlement of legal matters, as recommended by the City Attorney.

Adopted 12/10/04.

Resolution 2004R-571 authorizing settlement of the legal claims of Santiago Ochoa and Bich Trinh, was passed 12/10/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2004R-571**

**By Johnson**

**Authorizing legal settlements.**

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with settlement of the following claims:

a) Santiago Ochoa, by payment of \$17,500 and payment of costs and reasonable attorneys' fees to his attorney, Alberto Miera, in an amount to be determined by the court or negotiated between the parties; and

b) Bich Trinh, by payment of \$8,000 to Ms. Trinh and her attorney Harold Hitchcock.

Your Committee further recommends that the proper City officers be authorized to execute any documents necessary to finalized said settlement.

Adopted 12/10/04.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to enter into a Master Legal Services Agreement with Kaplan, Kirsch & Rockwell, LLP in an amount not to exceed \$300,000 for the purpose of handling a lawsuit(s) against the Federal Aviation Administration and/or Metropolitan Airports Commission to enforce noise mitigation and abatement relating to the Minneapolis/St. Paul Airport.

Adopted 12/10/04.

**W&M/Budget** - Your Committee, having under consideration the New Central Library Project, now recommends approval of Change Order No. 1 increasing Contract No. C-20480 with Spacesaver Storage Systems, Inc. by \$757,684, for a new contract total of \$2,743,456.

Adopted 12/10/04.

Approved by Mayor Rybak 12/10/04.

(Published 12/14/04)

**W&M/Budget** - Your Committee, having under consideration appointment of City representatives to the Minneapolis Police Relief Association (MPRA) and Minneapolis Firefighters Relief Association (MFRA), now recommends appointment of the following trustees to the boards, as recommended by the City Finance Officer and all for two-year terms from January 1, 2005 through December 31, 2006:

MPRA - Michael Nguyen (Director Treasury) and Rebecca Law (Management Analyst in the Public Works Department);

MFRA - Michael Nguyen (Director Treasury) and Jack Qvale (Secretary to the Board of Estimate and Taxation).

Adopted 12/10/04.

**W&M/Budget** - Your Committee, having under consideration annual property insurance coverage for the Minneapolis Convention Center, the Talmadge Building and Parking Ramp, now recommends that the proper City officers be authorized to complete their review of options for property insurance and to accept the insurance quote from XL Group in the amount of \$265,060 (plus the Minneapolis surcharge) and lock in a binder for 2005 coverage; and further accept the quote of XL Group for additional terrorism coverage in the amount of \$35,000 and \$12,500 (non-certified terrorism).

Adopted 12/10/04.

**W&M/Budget** - Your Committee, having under consideration the provision of emergency communications services to Hennepin County Medical Center (HCMC), now recommends that the proper City officers be authorized to amend Contract #17548 with HCMC, extending the contract through December 31, 2005 (for one year) at the current rate of \$50,000, to continue the provision by the City of emergency communications services to HCMC.

Adopted 12/10/04.

**W&M/Budget** - Your Committee, having under consideration the City's contract with Unisys for managed computer services (Contract #18881), now recommends that the proper City officers be authorized to increase said contract in the amount of \$522,270 to provide for additional services to the Minneapolis Police Department Timekeeping Project, the CAPRS Clone Project, the SAS Activity Based Management Project and the KIVA Remote Hardware Project.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation to the Business Information Services Department to provide revenue from the department receiving the services.

Adopted 12/10/04.

**RESOLUTION 2004R-572**  
**By Johnson**

**Amending The 2004 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

a) By increasing the appropriation for the Kiva Remote Hardware Project in the BIS Intergovernmental Fund (6400-880-8870-5070) by \$190,635 and increasing the revenue source (6400-880-8870-3455) by \$190,635;

b) By increasing the appropriation for the MPD Timekeeping Project in BIS Intergovernmental Fund (6400-880-8870-5070) by \$23,836 and increasing the revenue source (6400-880-8870-3455) by \$23,836;

c) By increasing the appropriation for the CAPRS Clone Project in BIS Intergovernmental Fund (6400-880-8870-5070) by \$40,837 and increasing the revenue source (6400-880-8870-3455) by \$40,837; and

d) By increasing the appropriation for the SAS's ABM Project in BIS Intergovernmental Fund (6400-880-8870-5070) by \$16,567 and increasing the revenue source (6400-880-8870-3455) by \$16,567.

Adopted 12/10/04.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to amend the City's contract with Systems & Software, Inc., increasing the contract by \$120,800, to provide for a software upgrade to accommodate storm water billing; and passage of the accompanying resolution increasing the Business Information Services Department appropriation to provide funding from the Sewer Rental Fund for the upgrade project.

Adopted 12/10/04.

**RESOLUTION 2004R-573**  
**By Johnson**

**Amending The 2004 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

a) Increasing the appropriation in the SISPP Projects Agency in the BIS Fund (640-972-9725) by \$116,862 and increasing revenue source 3455 in the SISPP Projects Agency in the BIS Fund (640-972-9725) by \$116,862;

b) Increasing the appropriation for Finance Agency in the Water Fund (7400-820-8244) by \$500,000 and increase revenue source 3455 in the SISPP Projects Agency of the BIS Fund (640-972-9725) to correct Resolution 2004R-302;

c) These appropriation adjustments will allow the BIS fund to be reimbursed for the Utility Billing and Stormwater Billing contract expenses as follows: \$391,262 from the Water Fund (7400-820-8244) and \$225,600 from the Sewer Fund (7300-600-6063).

Adopted 12/10/04.

**W&M/Budget** - Your Committee, having under consideration the City's Voluntary Employees' Beneficiary Association (VEBA) Plan and having been informed that amendments are needed to bring the plan into compliance with Internal Revenue Service (IRS) regulations, now recommends adoption of the City of Minneapolis Amended and Restated Health Reimbursement Arrangement Plan and Trust Agreement (as included in Petn No 270073) and that the proper City officers be authorized to amend the City of Minneapolis Trust Agreement with Wells-Fargo, N.A. extending the agreement for financial services through March 31, 2005.

Adopted 12/10/04.

**W&M/Budget** - Your Committee recommends acceptance of the low bid received on OP #6342 from Specialty Construction Services, Inc. in the amount of \$866,000 to furnish and deliver all labor, materials, equipment and incidentals necessary to accomplish the office remodeling of the Facilities Management and Guest Services Office of the Minneapolis Convention Center.

Adopted 12/10/04.

The **WAYS & MEANS/BUDGET** and **ZONING & PLANNING** Committees submitted the following report:

**W&M/Budget & Z&P** – Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) for consultant services for preparation of a land use study for the corridor of Lyndale Ave S, from Minnehaha Creek to Crosstown (Hwy 62), contingent upon approval by the Permanent Review Committee.

Adopted 12/10/04.

The **ZONING & PLANNING** Committee submitted the following reports:

**Z&P** - Your Committee concurs in the recommendation of the Planning Commission granting the application of Houly Xiong (#1439) to vacate part of the right-of-way at 1421 Glenwood Ave N for use as parking, subject to retention of easement rights, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said right-of-way.

Adopted 12/10/04.

Resolution 2004R-574, vacating that part of Irving Avenue North, as opened by the City of Minneapolis, through part of Lots 6, 7, 8 and 9, Grand View Addition (vicinity of 1421 Glenwood Ave N), was passed 12/10/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2004R-574**

**By Schiff**

**Vacating that part of Irving Avenue North, as opened by the City of Minneapolis, through part of Lots 6, 7, 8 and 9, Grand View Addition (#1439).**

Resolved by The City Council of The City of Minneapolis:

That all that part of Irving Avenue North, as opened by the City of Minneapolis, through part of Lots 6, 7, 8 and 9, Grand View Addition is hereby vacated except that such vacation shall not affect the existing easement right and authority of Centerpoint Energy Minnegasco, its successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to each of said corporation(s) as follows, to wit:

As to Centerpoint Energy Minnegasco: An easement of the east half of Irving Avenue North which lies between northerly of the northerly right-of-way lines of Cedar Lake Road North and which lies southerly of the southerly right-of-way line of Glenwood Avenue, according to the recorded plat thereof on file and of record in the Office of the County Recorder in and for Hennepin County, Minnesota, to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said alley upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 12/10/04.

**Z&P** - Your Committee concurs in the recommendation of the Planning Commission granting the application of Brandan Automotive (#1449) to vacate the stub end of Tyler St (vicinity of 831 E Hennepin Ave) for use in the existing automobile repair facility, subject to retention of easement rights, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said street.  
Adopted 12/10/04.

Resolution 2004R-575, vacating a remnant of Tyler Street NE measuring 39.30 feet by 66 feet (vicinity 831 E Hennepin Ave), was passed 12/10/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2004R-575**

**By Schiff**

**Vacating a remnant of Tyler Street NE measuring 39.30 feet by 66 feet (vicinity 831 E Hennepin Ave - #1449).**

Resolved by The City Council of The City of Minneapolis:

That all that part remaining of Clayton Street (now known as Tyler Street NE) measuring 39.30 feet by 66 feet as dedicated on Ramsey Lockwood & Others Addition To St. Anthony which lies southerly of the easterly extension of the Northerly line of Lot 29, Block 21, said addition, and Northerly of a line drawn parallel with and 7.00 feet Northerly of the South line of said Lot 29 and its Easterly extension is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy, their successors and assigns, to enter upon that portion of the aforescribed remnant of Tyler Street NE measuring 39.30 feet by 66 feet which is described in regard to Xcel Energy, said corporation(s) as follows, to wit:

As to Xcel Energy: The West 10.00 feet the westerly half of Clayton Street (now known as Tyler Street NE) as dedicated on Ramsey Lockwood & Others Addition to St. Anthony, according to the recorded plat thereof on file and of record in the Office of the County Recorder in and for Hennepin County, Minnesota, which lies southerly of the easterly extension of the extension of the northerly line of Lot 29, Block 21, said addition, and northerly of the northerly line of East Hennepin Avenue East, to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said remnant of Tyler Street NE measuring 39.30 feet by 66 feet upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 12/10/04.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission granting the petition of Bluff Street Development, LLC (BZZ-1956) to rezone the property at 520 and 520 ½ SE 2<sup>nd</sup> St from I1 and I2 to the C3A District and removing the Industrial Living Overlay District to permit a six-story building with 45 units.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Zerby moved a substitute report to deny the petition to rezone. Seconded.

Lost upon a voice vote.

The report was adopted 12/10/04. Yeas, 11; Nays, 1 as follows:

Yeas – Johnson, Colvin Roy, Zimmermann, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Ostrow.

Nays – Zerby.

Declining to vote – Schiff.

Ordinance 2004-Or-139, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 520 and 520 ½ SE 2<sup>nd</sup> St to the C3A District and removing the Industrial Living Overlay District, was passed 12/10/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2004-Or-139**

**By Schiff**

**1<sup>st</sup> & 2<sup>nd</sup> Readings: 12/10/04**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. All of Lot 2, Block 51, and that part of Lot 3, Block 51, lying southeasterly of a line drawn southwesterly parallel with the northwesterly line of Block 51, from a point on the northeasterly line of said Lot 3 distant 156.20 feet southeasterly from the most northerly corner of Block 51; all in St. Anthony Falls, according to the recorded plat thereof, Hennepin County, Minnesota (520 and 520½ SE 2<sup>nd</sup> St - Plate 15) to the C3A District, and removing the Industrial Living Overlay District.

Adopted 12/10/04. Yeas, 11; Nays, 1 as follows:

Yeas – Johnson, Colvin Roy, Zimmermann, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Ostrow.

Nays – Zerby.

Declining to vote – Schiff.

**MOTIONS**

Johnson moved that the regular payrolls for all City employees under City Council jurisdiction for the month of January, 2005, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 12/10/04.

Lilligren moved to grant the application of A & J Fish and Chicken, Inc, dba A & J Fish and Chicken, 500 E Lake St, for a Provisional Food Manufacturer License (new business) to expire April 1, 2005, subject to final inspection and compliance with all provisions of applicable codes and ordinances. Seconded.

Adopted 12/10/04.

Declining to vote – Zimmermann.  
Approved by Mayor Rybak 12/10/04.  
(Published 12/14/04)

## RESOLUTION

All Council Members offered a Resolution honoring Amy Ryan on her service to the Minneapolis Library Board.

Adopted 12/10/04.

(Not Published. See Resolution 2004R-576 on file in the Office of the City Clerk.)

The following is the complete text of the unpublished resolution.

### RESOLUTION 2004R-576

**By Schiff, Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman,  
Lilligren, Niziolek, Benson, Colvin Roy, Lane**

#### **Honoring Amy Ryan.**

Whereas, Amy Ryan has been a valued and talented member of the staff of the Minneapolis Public Library for 30 years; and

Whereas, Amy Ryan has had broad experience in many aspects of library service, including experience in community libraries at Washburn and Walker Libraries, and at the Central Library in business, economics, government documents, the Minneapolis History collection, history, humanities, and INFORM; and

Whereas, Amy Ryan has played a leadership role in many special initiatives and new programs at the Minneapolis Public Library which have improved and enriched library service to the people of Minneapolis; and

Whereas, Amy Ryan lead the Community Library Outlook 2010 initiative and wrote the report which is the foundation for the most comprehensive capital improvement program for the community libraries in the history of the Minneapolis Public Library and

Whereas, in her role as Coordinator of Community Libraries Capital Projects Amy Ryan has worked with and listened to the concerns of patrons, neighbors, elected officials, community organizations, Neighborhood Revitalization Program groups, and businesses and foundations in order to create libraries that are beautiful neighborhood assets and vital community centers; and

Whereas, as a result of Amy's leadership, including her respect for historic preservation, many community library projects have been recognized for their outstanding design and contribution to the livability of Minneapolis neighborhoods; and

Whereas, Amy Ryan has valued public art in community library projects and its role in enriching the urban environment and recognizing the contributions of local artists to the community; and

Whereas, throughout her tenure, Amy Ryan has been recognized for her contributions by the Trustees of the Minneapolis Public Library, the Minnesota Library Association, the Hennepin County Bar Association, and most recently by the Minnesota Chapter of the American Institute of Architects with an Award of Excellence for her leadership of the Community Library Capital Program and the value she has placed on design and on working with the local architectural community; and

Whereas, Amy Ryan is leaving the Minneapolis Public Library to become the Director of the Hennepin County Library;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis recognizes Amy Ryan for her 30 years of service to the Minneapolis Public Library and the citizens of Minneapolis.

Adopted 12/10/04.

**UNFINISHED BUSINESS**

Spincycle Coin Laundry (2937 Dupont Av S): Sent forward without recommendation application for Laundry License (Postponed 2/13/04, PS&RS)

Niziolek moved that the report be referred back to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote.

Parking for Minnesota State Fair and Use of Office Space at State Fairgrounds: Approve execution of lease agreement with the Minnesota State Fair for parking and office use. (Postponed 10/8/04, W&M)

By unanimous consent, the above report continued to be postponed.

**Z&P** - Your Committee, having under consideration the appeal filed by Master Development Group from the decision of the Planning Commission denying applications for a variance to reduce the front yard setback on 46<sup>th</sup> Ave S from 21 feet to 5 feet; a variance of the front yard setback on 46<sup>th</sup> St E from 15 feet to 5 feet; a variance to allow entrances, balconies, and a patio and fountain in the front yard setbacks; and site plan review, to permit a 20-unit residential building at 4556 E 46<sup>th</sup> St, now recommends –

a) Granting the appeal for a variance, as revised, to reduce the front yard setback on 46<sup>th</sup> Ave S from 21 feet to 7 feet;

b) Granting the appeal for variance of the front yard setback on 46<sup>th</sup> St E from 15 feet to 5 feet;

c) Granting the appeal to permit entrances, balconies and a patio and fountain in the front yard setbacks; and

d) Granting the appeal regarding site plan review, subject to incorporation of revisions to site plan presented 11/16/04.

The developer shall work in good faith with the property owner (4545 – 45<sup>th</sup> Ave S) across the alley from the proposed development to mitigate light trespassing on said property from the headlights of vehicles leaving the underground parking garage.

Adopted 12/10/04. Yeas, 9; Nays, 4 as follows:

Yeas – Johnson, Zimmermann, Schiff, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Samuels.

Nays – Colvin Roy, Zerby, Lane, Ostrow.

**NEW BUSINESS**

Niziolek introduced an ordinance amending Title 9, Chapter 173 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Fire*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Updating language & provisions of the State Fire Code and revising the permit and fee structure).

Johnson introduced an ordinance amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, which was given its first reading and referred to the Ways & Means/Budget Committee (Providing for participation of appointed and non-represented CPED employees who are members of the Union Central Pension Plan).

Lilligren moved to adjourn to Room 315 City Hall to consider the Ryan Hill v. Hofius, et al and Natalie Johnson Lee, et al v. City of Minneapolis lawsuits. Seconded.

Adopted upon a voice vote.

Room 315 City Hall

Minneapolis, Minnesota

December 10, 2004 – 11:03 a.m.

The Council met pursuant to adjournment.

President Ostrow in the Chair.



Present - Johnson, Colvin Roy, Zimmermann, Schiff (in at 11:11 a.m.), Zerby, Lilligren, Niziolek, Benson, Goodman, Lane, Samuels, Ostrow.

Absent – Johnson Lee.

Also present - Jay Heffern, City Attorney; Peter Ginder, Deputy City Attorney; Jim Moore and Sydnee Woods, Assistant City Attorneys; Inspector Don Harris, Police Department; Peter Wagenius, Mayor's Office, Steve Ristuben, Assistant City Clerk; Jan Hrnecir and Irene Kasper, City Clerk's Office.

Heffern stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the Ryan Hill v. Hofius, et al lawsuit.

Lilligren moved that the meeting be closed at 11:05 a.m. Seconded.

Adopted upon a voice vote.

Jim Moore summarized the Ryan Hill v. Hofius, et al lawsuit from 11:05 a.m. to 11:17 a.m.

At 11:17 a.m., Lane moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Zerby moved that the City Attorney be authorized to settle the case of *Ryan Hill vs. Hofius, et al.*, United States District Court File No.: 02-CV-4932 JMR/FLN in the amount of \$75,000 payable from Fund/Org. 6900 150 1500 4000 and that the City Attorney's office be authorized to execute any documents necessary to effectuate the settlement. Seconded.

Adopted 12/10/04.

Absent – Johnson Lee.

Heffern stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the Natalie Johnson Lee, et al v. City of Minneapolis lawsuit.

Goodman moved that the meeting be closed at 11:35 a.m. Seconded.

Adopted upon a voice vote.

Present - Johnson, Colvin Roy, Schiff, Zerby, Lilligren, Niziolek, Benson, Goodman, Lane, Samuels, Ostrow.

Absent – Zimmermann, Johnson Lee.

Also present - Jay Heffern, City Attorney; Peter Ginder, Deputy City Attorney; Jim Moore and Sydnee Woods, Assistant City Attorneys; Peter Wagenius, Mayor's Office, Steve Ristuben, Assistant City Clerk; Jan Hrnecir and Irene Kasper, City Clerk's Office.

Jay Heffern and Peter Ginder summarized the Natalie Johnson Lee, et al v. City of Minneapolis lawsuit from 11:35 a.m. to 12:04 p.m.

At 12:04 p.m., Lilligren moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Lilligren moved to adjourn to December 13, 2004 at 5:05 p.m. for the purpose of adopting the 2005 budget, and to conduct any other business deemed necessary at that time, and that such meeting be and is hereby declared to be an adjourned session of the regular meeting of December 10, 2004. Seconded.

Adopted upon a voice vote.

Steven J. Ristuben,  
Assistant City Clerk.

DECEMBER 10, 2004

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Unofficial Posting: 12/13/2004  
Official Posting: 12/17/2004  
Correction: 2/07/2005  
5/18/2005  
7/19/2005